

Is Adoption or Guardianship a Better Fit?

At the Wisconsin Family Connections Center, we often get calls from families who want to understand the difference between guardianship and adoption. Usually, they have had a conversation with a worker who has explained that these two options are both available to them. But they still have questions about the two options.

Although much of the decision will be based on your unique circumstances, this tip sheet will help give you an overview of the differences to prepare your family best.

This information may also be helpful when you talk to the child in your care about what may happen. Often, children have strong feelings about being adopted or having a guardian, but sometimes, they don't fully understand the lifelong implications of either one. Talking with the child about how this decision will affect their life may ease the transition.

What Is Adoption? What Is Guardianship?

Adoption creates a parent-child relationship with all the rights and responsibilities a birth parent has to a child. A child can be adopted when the court has terminated the rights of the birth parents. It can't be reversed once the adoptive parents legally finalize the adoption.

As the adoptive parent, you are financially

responsible for your child. (You could be eligible for a monthly adoption subsidy and access to Medical Assistance if needed.)

Guardianship means you have the same legal rights as the parent until a specified time—usually when the child becomes an adult or goes back to live with their parent. The parent has the right to petition the court (paperwork that requests some court action)

to dissolve the guardianship rights at any time. A judge may or may not grant the request.

The parents retain their rights and may even remain financially responsible.

Because the biological parents still retain their rights, they have a right to have contact with their child (unless

prohibited by a judge). As a guardian, you can make safety decisions and move to pause or stop contact if it is in the child's best interest. The courts would then need to become involved for visits to resume.

As a guardian, you assume the day-to-day parenting responsibilities. You have the same rights as the parents. You can legally consent to medical treatment or anything requiring a parental signature.

Anyone can file a petition to the court to change the guardianship relationship.

(NOTE: Guardianships dissolve when the



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child turns 18. If your child still requires one, you can petition the court for guardianship of an adult. For more information, see our [Is Guardianship the Right Choice for Your Adult Child With Disabilities](#) tip sheet.)

Questions to Consider

Following are some questions that may help you think about how this choice will affect your family. Discussing these issues with your partner, the child, and the child's team may be beneficial.

- Will it benefit the child to take your last name or keep their birth name? How will this impact the child's relationship with you and their biological parents?
- Does the child have an opinion about the matter? If so, do they fully understand the difference between guardianship and adoption?
- How will adoption or guardianship benefit or challenge the child in your care and your family?
- How will your relationship with the child change after they become an adult, depending on this choice?
- What level of financial responsibility is appropriate for your family right now? Are there any resources available to assist?

There is no right answer when it comes to guardianship or adoption. Collecting all the information and speaking to other families that have faced this choice may be helpful. Finding permanent families for children can be achieved in multiple ways, but what matters is that the child feels connected to a family forever.

If you have further questions about the decision between guardianship and adoption, please call us at 1-800-762-8063.

Guardianship and adoption are legal relationships created through the court system. You should consult a lawyer if you

have specific questions about your situation.



Resources

From the [Resource Library](#)

- *Guardian Shift—Encouragement & Inspiration for Grandparents, Aunts, Uncles & Anyone Raising Other People's Children*, by Scott Amaral

Tip Sheets

- [Is Guardianship the Right Choice for Your Adult Child With Disabilities?](#)
- [Adoption Has No Age Limits: Adult Adoptions](#)

Training From [Champion Classrooms](#)

- [An Overview of Juvenile Guardianship](#)

Additional Resource

- [Adoption and Guardianship in Wisconsin](#)
- [Wisconsin Guardianship Process Frequently Asked Questions](#)

What Families Say About Guardianship

Guardianship Benefits

- “One of the benefits that I wasn’t expecting was the added emotional connection. I was proud to be her legal guardian, and it gave us both a sense of security without threatening the relationship she had with her mom.”
- Another Wisconsin foster parent says, “We built an additional emotional connection through guardianship. It forms a legal relationship that helped foster a bond and made our child feel like a part of your family.”
- There is no social worker involved, which can give your family more of a sense of normalcy.
- The child does not share your last name. This can allow the child to remain connected to a biological parent.
- Children in long-term foster care may still be required to request permission for certain things like an application for a driver’s license from a biological parent. Guardianship could spare your child the experience of trying to track down a biological parent who frequently disappears or who is incarcerated.
- A child with a legal guardian will still receive parental inheritance after the biological parent has passed away without a will.
- “I adopted two siblings, but their youngest sister was adamant that she didn’t want to be adopted. Even her mom wanted me to adopt her. Guardianship was a good solution for us.”

Guardianship Challenges

- There may be limited or no funding for the child with a legal guardian if the parents cannot contribute.
- The child does not share your last name. This can take away from the child feeling connected to the guardian’s family.
- If the guardian is a family member, it can affect relationships within the family.

What Families Say About Adoption

Adoption Benefits

- The full sense of permanency and sense of who we are as a family is solidified by adoption. For us, adoption doesn't mean just here and now—it truly is about forever, for all of us as a family.
- “Our relationship is defined, permanent, and ongoing.”
- Adoption solidifies the new family identity. This may change your child's identity since they are no longer legally part of their biological family.
- Adoption creates security because of its permanent nature.
- “Both my teen daughter and I were on the fence about adoption. I was surprised at how deep the bond became once I really did adopt her. I allowed myself to finally take ownership in a way I hadn't before. I didn't have to always consider her birth mom.”
- An adopted child can receive a parental inheritance from the adoptive parents after they pass away without a will. The same child may still receive parental inheritance from biological parents if legally willed.

Adoption Challenges

- Adoption changes the family identity. This may change your child's identity since they are no longer part of their birth family.
- Children may still want to be part of a family that cares for them but not totally lose the connection to their identity as part of their biological family.
- The child's contact with the biological parents becomes a decision that the adoptive family makes. The biological parent is no longer entitled to any contact.